

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                 |   |                       |
|-----------------|---|-----------------------|
| Eric S. Jordan, | : |                       |
|                 | : |                       |
| Plaintiff,      | : |                       |
|                 | : |                       |
| v.              | : | Case No. 2:06-cv-0769 |
|                 | : |                       |
| Mark Miller,    | : | JUDGE GRAHAM          |
|                 | : |                       |
| Defendant.      | : |                       |

ORDER

Plaintiff asked that counsel be appointed for him by a motion filed September 13, 2006. Since this action has not yet progressed to the point that the Court is able to evaluate the merits of plaintiff's claim, the motion for appointment of counsel (#5) is DENIED. Mars v. Hanberry, 752 F.2d 254 (6th Cir. 1985).

Any party may, within ten (10) days after this Order is filed, file and serve on the opposing party a motion for reconsideration by a District Judge. 28 U.S.C. §636(b)(1)(A), Rule 72(a), Fed. R. Civ. P.; Eastern Division Order No. 91-3, pt. I., F., 5. The motion must specifically designate the order or part in question and the basis for any objection. Responses to objections are due ten days after objections are filed and replies by the objecting party are due seven days thereafter. The District Judge, upon consideration of the motion, shall set aside any part of this Order found to be clearly erroneous or contrary to law.

This order is in full force and effect, notwithstanding

the filing of any objections, unless stayed by the Magistrate Judge or District Judge. S.D. Ohio L.R. 72.4.

/s/Terence P. Kemp  
United States Magistrate Judge